



state senator  
**Tom Wyss**

2006 LEGISLATIVE UPDATE

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## General Assembly Takes Action to Protect Children

### Legislation Strengthens Indiana's Sex Offender Laws

Indiana's children are our state's most precious assets. Sadly, nearly 67 percent of all reported sexual assault crimes are committed against children. In fact, 34 percent of sexual assault victims are under age 12. One in seven is under age 6. Despite efforts to protect children, there are still sexual predators who continue to prey on their innocence. This session, several bills were filed in an effort to close loopholes and strengthen Indiana's child protection laws.

This year, I authored Senate Enrolled 246, a bill whose key initiatives will expand the definition of a sexually violent predator and enable law enforcement to better identify those individuals who pose the biggest threat of danger to our children.

SEA 246 expands the definition of a sexually violent predator to include any individual who has any prior conviction for a sex offense, or an individual who commits a sex offense against a minor under the age of 12. The bill also defines a sexually violent predator as any individual who committed a sex offense by the use of force or the threat of force.

This legislation also prohibits a sexually violent predator from living within 1,000 feet of, or working at, any school, public park or program center; nor is a sexually violent predator permitted to live within one mile of the victim's residence.

The only way to help prevent predators from striking twice is to ensure their whereabouts are known by law enforcement agencies. This year, the General Assembly created legislation that requires convicted sexual

predators to wear a GPS monitoring device at all times. New legislation also specifies that a principal residence is the residence where the offender spends the most time. If the offender plans to spend more than 72 hours away from his/her principal residence, the individual must notify both the local law enforcement agency and that of the city of visitation with a complete itinerary, including a return date.

New legislation also includes placing on lifetime parole once his or her prison term is complete any person at least 18 years old who is convicted of child molesting for a second time and any individual convicted of two child molesting crimes in another state whose parole is transferred to Indiana. Legislators have also been successful in preventing

courts from granting petitions for adoption or legal guardianship to a sexually violent predator or someone who commits child molestation with specific provisions.

Special thanks should also be extended to Detective Jeff Shimkus of the Allen County Sheriffs' Department. Detective Shimkus was instrumental in the creation of each piece of sex offender legislation passed this year by the General Assembly.

Too often, sex offenders are released from prison, supposedly rehabilitated, only to repeat their crimes or commit worse offenses. Statistics show that sex offenders are four times more likely than non-sex offenders to be arrested for another sex crime after being discharged from prison. These initiatives can help provide protection for our most vulnerable Hoosiers — our children.

## CENTER TO HELP DETECT AND PREVENT TERRORISM

Since the Sept. 11, 2001 tragedy, which claimed the lives of 2,819 innocent victims, the detection and prevention of terrorist activities is more important than ever. In response to this need, I authored Senate Enrolled Act 247, a bill that designates more authority to Indiana's Department of Homeland Security (DHS).

SEA 247 establishes the Indiana Intelligence Fusion Center to collect, maintain, and analyze intelligence information and other information relating to criminal activity or terrorism. The Center may collect criminal intelligence information if reasonable suspicion exists.

This legislation also designates the Counterterrorism and Security Council (CTASC) and the Fusion Center as criminal justice agencies and allows the CTASC to hold executives sessions and exempts certain records of from the open records law. Both new agencies will be placed under the direction of the DHS.

SEA 247 also permits the Department of Correction (DOC) to read mail to and from offenders unless the mail is privileged, and prohibits the DOC from disclosing the contents of this mail unless certain conditions are met.

Since the devastating attacks at the World Trade Center and the Pentagon, intelligence offices have identified and disrupted more than 150 terrorist threats and cells. More than 400 individuals have been charged in terrorist investigations and more than 1,000 new counterintelligence officials have been trained.

Indiana must now act in its own defense. We must take steps to identify and disassemble terrorist threats and prevent tragedy before it strikes again.

## FACTS & FIGURES

FROM THE 2006 LEGISLATIVE SESSION

The Second Regular Session of the 114th General Assembly began on Organization Day, November 22, 2005, and adjourned March 14, 2006.

Senate bills introduced: 394  
Senate joint resolutions introduced: 14

Senate bills passed: 107  
Senate joint resolutions passed: 1

House bills introduced: 443  
House joint resolutions introduced: 4

House bills passed: 86  
House joint resolutions passed: 0

Percent of introduced bills that were sent to the governor: 23%

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Senator Wyss leads the full Senate.

State Employee Salary Protection

Protecting state employees who lose their jobs because of closures or privatization is the objective of a bill Senator David Long and I co-authored. The legislation is part of Governor Mitch Daniels' legislative agenda. Senate Enrolled Act 340 provides the state with greater flexibility to enhance the benefits and salaries of a state employee who is transferred to another position that has a lower classification. Current law requires a decrease in salary in such situations. The bill also protects the pensions of such employees. An employee who is less than 24 months from being eligible from normal or early retirement may elect to retire by purchasing the service credit needed for retirement. The bill is retroactive to Dec. 31, 2005, and would include employees who lost their jobs due to the closure of the Fort Wayne State Developmental Center. The retirement benefit will be computed using the employee's actual years of creditable service and all other service the fund acknowledges (including creditable service that has been purchased). I fully understand the state has financial constraints to consider, but treating our state employees with respect and gratitude is a priority. We want to ensure that our valued and loyal workers are protected.

SEA 285 — This bill, which I authored, involves the development of a statewide trauma system. The department of health will head the agency and will be authorized to adopt rules concerning the system. This will lead to the development of a statewide trauma plan. PASSED.

Telecom Bill Should Save Money for Hoosiers

General Assembly Passes Deregulation Legislation

While much of the discussion in this year's session centered on physical infrastructure like roads and bridges, the General Assembly made a historic change in its unseen infrastructure. Through reforms made in House Enrolled Act 1279, legislation I co-sponsored in the Senate, Indiana will see lower cable prices, increased competition and a wave of investment in the state. Experts have called HEA 1279 the most aggressive telecommunications reform in the nation and say it will likely be a model that other states are sure to follow. The bill includes several provisions designed to give Hoosiers access to the best technology at a reasonable price. It contains two major provisions: Statewide Video Franchising - Following the model used in Texas, HEA 1279 creates a streamlined process through which video providers (such as cable companies) can enter a market and compete for customers. Known as statewide video franchising, this process will result in more video competition and lower prices for consumers. Since September, when Texas statewide franchising went into effect, more 120 franchises have been granted to competing companies. HEA 1279 will eliminate the current virtual monopoly of cable providers and give most Hoosiers a choice in video service. In February, Ball State University's Digital Policy Institute released a study saying Hoosiers could save a total of \$262 million

on their cable bills annually as a result of new choices. Telephone deregulation - A recent survey of CEOs in Site Selection Magazine showed that access to high-speed communications is the most important factor in drawing new business development to a particular state. HEA 1279 encourages telephone companies to deploy more high-speed Internet, called broadband, by gradually deregulating basic phone services if broadband is made available. Companies must be able to offer high speed Internet to 50 percent of households in any given exchange before they can raise rates in that exchange. Monthly basic rates may increase by only \$1 per year until 2009. The new law also contains protection for low-income Hoosiers. HEA 1279 establishes the Indiana "Life Line" program that provides discounted telephone rates to Hoosiers below 150 percent of the federal poverty level. This is a supplement to the federal program, which aids consumers with a household income below 135 percent of the federal poverty level. Consumers will also be protected through a ban on "local measured service," which is the practice of charging for local phone calls by the minute. This legislation was a rare opportunity to create jobs while lowering prices and improving customer satisfaction. Independent think-tank FreedomWorks has said HEA 1279 will create 20,000 new jobs and \$7 billion in investment in Indiana. And that is an opportunity that can't be passed up.



Senator Wyss, co-sponsor of HEA 1279, looks on as Gov. Mitch Daniels speaks about the importance of telecom reform.

SB 88 — I authored this bill as a way to increase seat belt usage. It would have required all passengers to wear a seat belt, regardless of the vehicle type. Currently, trucks, tractors and recreational vehicles are excluded from the requirements for safety belt use. DID NOT PASS.

SB 171 — This bill would have enforced stricter penalties for hit and runs and for operating a vehicle while intoxicated and causing bodily injury to another person. This bill was a compilation of issues presented to me by prosecuting attorneys statewide. DID NOT PASS.

SEA 160 Allows for Witnesses at an Execution

This session, I authored Senate Enrolled Act 160, legislation which grants more rights to the families of murdered victims. This bill passed both the Senate and House of Representatives unanimously. SEA 160 stipulates that up to eight members of the victim's family be allowed to witness the execution of the convicted murderer. It also reduces to five the number of friends and relatives of the convicted that would be allowed to witness the execution. The bill also says what members of the victim's immediate family may be present at the execution, including the victim's spouse, children, parents, grandparents and siblings. The Department of Correction will be responsible for determining which family members of a victim may be present if there are more than eight family members who desire to witness the execution. For years, only family members and friends of the convicted were permitted to witness an execution. Victim's family members have always been excluded, except with exclusive permission from the convicted. Some critics have suggested that victim's family members may



Senator Wyss, along with Senators Brandt Hershman and Robert Garton, address the media on Feb. 22. Senators meet often with the media to keep them apprised of legislation being considered.

want to witness the execution as a means of revenge. This bill is not about retribution. It IS about not victimizing the deceased's family a second time. I couldn't be more pleased that my colleagues in both the Senate and House overwhelmingly agree that these innocent families deserve not have to ask permission to witness the execution. It is time for the state to stop denying this simple, but extremely meaningful, right.

Major Moves: The Jobs Bill of a Generation

INDIANA TO RECEIVE \$3.8 BILLION FOR TOLL ROAD LEASE

For years, Indiana has habitually approved almost any road project that is requested with a promise that it will get done "eventually." This resulted in \$2.8 billion of unfunded road projects across the state. With the passage of Major Moves, House Enrolled Act 1008, legislation I co-sponsored in the Senate, the General Assembly ensured the state's 10-year road plan will be funded, the Interstate 69 extension will get started, future generations will have money for roads and thousands of jobs will be created across the state. The crux of the plan — leasing the Indiana Toll Road to private investors — drew attention, praise and criticism in the 10-week legislative session, but in the end, I believe the benefits of the deal outweighed any negatives that were mentioned. The lease that was ratified through HEA 1008 was a \$3.8 billion agreement between the state and Statewide Mobility Partners (SMP), a Spanish-Australian consortium that operates toll roads all over the world. Supported by business leaders and unions alike, the \$3.8 billion lease and the interest it accrues will pay for the state's road projects, creating — according to some estimates — more than 130,000 jobs. An additional \$150 million will also be distributed to counties for local road projects.



Senator Wyss discusses the Major Moves proposal in committee with Senator Bob Meeks.

also agreed to make improvements to the road — estimated at \$4.4 billion — and fund 25 additional State Troopers and a new state police post along the Interstate. The lease agreement and HEA 1008 dictate that SMP must meet federal standards on items such as traffic flow and snow removal. Indiana also listed its own requirements for maintenance issues such as filling pot holes, removing dead animals, and taking care of other hazards. In addition to the toll road portion of the law, HEA 1008 also addresses another major

road: Interstate 69. The previous timeline for extending I-69 from Indianapolis to Evansville, set by previous administrations, had construction beginning in 2017. That is simply unworkable. Under HEA 1008, work on the long-awaited interstate could start as soon as 2008 and be completed by 2018. Under the plan, the governor could enter into a Public-Private Partnership (P3) to help build I-69 from Evansville to Martinsville as a toll road. However, tolls from Martinsville to Indianapolis must be approved by the legislature. Additionally, if the administration wants the north end of the road to remain in Perry Township in Indianapolis, the General Assembly must also give approval. Another important part of the deal is a \$500 million Next Generation Trust Fund. Every five years, the state will take the interest the trust fund accrues and deposit it into the Major Moves construction fund. The initial \$500 million, however, will be protected and not spent. As Governor Mitch Daniels has said, a top-tier economy requires a top-tier infrastructure. Indiana is striving to have an economy that is the envy of the nation, but we can't do so without a road system that also draws envy. Major Moves completes those goals, and I am proud to say I supported it.